

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
Civil Action No.: 3:06-CV-264

The parties to the above-captioned matter expect that statutorily confidential information, including information from employee personnel files from both parties and non-parties will be requested in discovery and used in depositions and trial, and therefore agree to the following protective order:

1. The parties, their agents and employees will observe the statutory requirements of confidentiality as to material produced by the parties in response to discovery requests or otherwise obtained. Dissemination of confidential material is to be limited to those persons directly connected with the prosecution and defense of this action and those working under the supervision of counsel for the parties. The use of documents that are confidential by statute will be used solely for this litigation and will be destroyed 30 days after the conclusion of the case. Statutorily confidential documents relating to non-parties should only be produced if necessary and to the extent necessary.

2. Any confidential information produced or released in response to discovery requests or deposition inquiries will be so labeled as “protected” material.

3. Any statutorily confidential information or documents admitted as evidence, or in

discovery depositions will be done under seal absent permission to do otherwise by the subject of the information. All such documents filed under seal will be put in a sealed envelope or other appropriately sealed container, which covering shall be endorsed with the title of this action and a statement substantially in the following form: "Filed Under Seal Pursuant to Protective Order." All such filing of documents under seal shall otherwise comport with the Local Rules of the Western District of North Carolina.

4. The party requesting submission under seal shall accompany the request with a motion to seal.

5. All such confidential information that is contained in depositions will be used solely for this litigation. Dissemination of confidential material in depositions or other discovery responses is to be limited to those persons directly connected with the prosecution and defense of this action and those working under the supervision of counsel for the parties. Statutorily confidential information relating to non-parties should be elicited only to the extent necessary.

6. Any violation of this Order shall be subject to punishment by contempt powers of the Federal Magistrate as allowed in N.C. Gen. Stat. § 150B-33(b)(8) or by any other discretionary authority of the court.

BASED UPON the foregoing, it is therefore ORDERED that all parties will observe the requirements of confidentiality as to material produced by the parties in response to discovery requests and use of confidential material thus produced is limited to those persons directly connected with the prosecution and defense of this contested case, and those working under the supervision of counsel for each party and as stated above.

SO ORDERED.

Signed: November 16, 2006

Carl Horn, III

Carl Horn, III
United States Magistrate Judge



We consent.

/s/ Julius L. Chambers
COUNSEL FOR THE PLAINTIFF

/s/ Neil Dalton

/s/ Kathryn E. Hathcock
COUNSEL FOR THE DEFENDANT